IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

WEDNESDAY, THE 1ST AUGUST 2007 / 10TH SRAVANA 1929

LA.App..No. 729 of 2004()

LAR.16/2001 of SUB COURT,THODUPUZHA
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APPELLANT: RESPONDENT:

STATE OF KERALA.

BY ADV. SRI. K.V. MANOJ, GOVERNMENT PLEADER

RESPONDENTS: CLAIMANT:

B.LATHAKUMARI, W/O.CHANDRANHASAN,
KOCHUKANDATHIL HOUSE, MANAKADU.

BY ADV. SRI.K.K.CHANDRAN PILLAI
SRI.S.K.MOHAMED SAJEER

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 01/08/2007, ALONG WITH LAA NOS. 122 OF 2006 & 205 OF 2007 THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH & T.R. RAMACHANDRAN NAIR, JJ

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L.A.A NO. 122/2006, 205/2007 & 729 OF 2004

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Dated this the 1st day of August, 2007.

JUDGMENT

Kurian Joseph,J

These appeals arise from the judgment and decree in L.A.R. Nos. 16/2001, 14/2001 and 49/2002 on the file of the Sub Court, Thodupuzha. The acquisition is for the purpose of Thodupuzha-Ramamangalam Road. In L.A.A. 16/2001, the Reference Court took into consideration Ext.A6 and noticed that the property is located in a relatively unimported area. Therefore, in view of the added advantage to the acquired land 15 per cent enhancement on the value shown in Ext.A6 was given. There was also a Commission Report and the claimant was examined as AW1. There was no oral evidence on the part of the respondents. Only the mahazer was marked as Ext.B1. Ext. A6 is of the year 1997 whereas Section 4(1) notification is of 1999. The value of the land covered by Ext.A6 is Rs.29,000/- per cent. Having regard to the facts and circumstances of the case particularly locational advantages of the property after the

transaction in 1997, we are of the view that the reference Court rightly granted enhancement at the rate of 15%. In the absence of any contra evidence, we find no reason to interfere with the compensation of 15% on Rs.29,000/- per cent. Thus, there is no merit in the appeal an the appeal is dismissed.

In L.A.A Nos. 122/2006 and 205/2007, the reliance is essentially on L.A.R No. 16/2001, which has become final in view of the judgment in L.A.A NO. 729/2004. Therefore these appeals are dismissed.

KURIAN JOSEPH, JUDGE.

T.R. RAMACHANDRAN NAIR, JUDGE.

rv

KURIAN JOSEPH &
T.R. RAMACHANDRAN NAIR, JJ

L.A.A. NO. 805 of 2001

13th day of July, 2007

JUDGMENT